

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES
January 27, 2009
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Robert Husfelt – Present
Board Member James Personti – Present (Acting Chair)
Board Member John Smith – Present
Board Member Thomas Manuel – Present
Chairman Paul Chalfant – Absent

At this time Board Member Personti was named acting chairman for the meeting.

NEW BUSINESS:

The Board of Adjustment Reviewed Petition 08-14 tax parcel number 1900-500-042 known as 601 Kirkwood Hwy.

Mr. Donald Finch presented the application stating that they would like to operate their lit oscillating barber pole to attract business at the property.

Board Member Personti asked if there were any comments from the public written or verbal.

Town Manager John Giles stated that he believes that this is a problem with the code not with the residents, the code states no oscillating signs, therefore a variance is required. He mentioned that the Town is looking to revise that portion of the code during the Comprehensive Plan Review to allow such poles.

Board Member Husfelt questioned how the code revision would be worded.

Town Manager Giles stated that it would essentially state that the “traditional barber pole” is permitted.

Board Member Personti asked Mr. Finch if he would have any objections to turning the pole off when the business closes.

Mr. Finch responded that he would prefer to keep the pole on when the business is closed because it will not be noticed during the day, therefore he is hoping to attract people's attention to let them know the business is located there even if it is closed at the time.

Board Member Personti stated that businesses have been permitted to turn signs off at midnight in the past, and that may be the way to go with this business.

Code Enforcement Officer Keith Brown stated that the businesses along Kirkwood Hwy have previously been told that they must turn any signs off at the close of business.

Board Member Manuel asked if a timer could be placed on the sign to allow it to be turned off from the hours of 12:00a.m. to 6:00 a.m.

ACTION: A motion was made by Board Member Smith to Approve petition 08-14 requesting a variance to allow the operation of an oscillating barber pole at the property known as 601 Kirkwood Hwy with the restriction that the light be turned off during the hours of 12:00a.m. to 6:00 a.m. The motion was seconded by Board Member Manuel.

VOTE:

All in favor Vote: 4-0 with 1 Absent Motion Carried

The Board of Adjustment Reviewed Petition 08-15 tax parcel number 1900-400-367 known as 5 Locust Ave.

Mr. Clifford Gillis presented the petition, requesting that he be allowed to construct a deck that runs along the entire length of the rear of the house and wraps partially around the driveway side of the house.

Board Member Smith asked if the proposed deck was going to connect with the existing side deck at the property.

Mr. Gillis confirmed that the new deck is not going to connect with the existing deck, because there is a basement door that he does not want to block.

Board Member Personti asked if there were any comments from the public, or from the Code Enforcement Office.

Officer Keith Brown stated that the only concern from Code Enforcement is the change in lot coverage.

Board Member Smith asked if the width of the house is 30'.

Mr. Gillis confirmed that it is 30' wide.

ACTION: A motion was made by Board Member Smith to Approve Petition 08-15 requesting a variance to the allowable amount of lot coverage to allow the construction of a two part deck at the property. The motion was seconded by Board Member Manuel.

VOTE:

All in favor Vote: 4-0 with 1 Absent Motion Carried

APPROVAL OF MINUTES:

Minutes from the October 28, 2008 Board of Adjustment Meeting

ACTION: A motion was made by Board Member Husfelt to Approve the minutes of the October 28, 2008 Board of Adjustment Meeting. The motion was seconded by Board Member Smith.

VOTE:

All in favor Vote: 4-0 with 1 Absent Motion Carried

OLD BUSINESS:

Review of the Comprehensive Plan

Board Member Personti asked if there were any updates for the Comprehensive Plan.

Town Manager John Giles stated that the Town has not received any new updates from the University of Delaware.

Board Member Smith asked if there was an ordinance that controls the length of time a storage container such as a POD can be on a property.

Town Manager Giles responded stating that there is a section of the Code that requires a permit to place a storage unit on the street, however does not require a permit if the unit is directly on someone's property. The Town will look into possibly changing the ordinance to control the time limit.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Personti to adjourn. The motion was seconded by Board Member Smith.

VOTE:

All in favor

Vote: 3-0 with 2 Absent

Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the January 27, 2009 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECTRARY